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EXAMINER

TUN, NAY L

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JEWEL L. DOHAN

Appeal 2016-000068
Application 12/806,929
Technology Center 2600

Before CARLA M. KRIVAK, MICHAEL M. BARRY, and
JOHN R. KENNY, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1, 5, 6, and 9–13. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' invention is directed to "vehicle safety devices utilized in a vehicle to indicate the driver's desire to make a right, left or U-turn" (Spec. ¶ 2).

Independent claim 1, reproduced below, is exemplary of the subject matter on appeal.

1. A vehicle having an interior within which a driver and passengers may be seated and may converse;
a microphone within the vehicle interior for converting audible information to a voice signal;
said voice signal comprising a voice command and a predetermined keyword command;
a voice recognition system having means for decoding said voice signal and determining the presence or absence of said predetermined keyword command in said voice signal;
wherein said predetermined keyword command is extraneous and different to said voice command;
and further determining the presence or absence of said voice command in said voice signal;
coupling means for coupling said voice signal to said voice recognition system;
U-turn signal means for signaling a U-turn;
right turn signal means for signaling a right turn; and
left turn signal means for signaling a left turn,
said voice recognition system selectively activating said U-turn signal means, said right turn signal means or said left turn signal means in response to said voice command
in the event said predetermined keyword command and said voice command are present in said voice signal and
wherein said predetermined keyword command is immediately followed by said voice command in said voice signal.

REFERENCES and REJECTIONS

The Examiner rejected claims 1, 5, 6, 9, 10, and 13 under 35 U.S.C. § 103(a) based upon the teachings of Sullivan (US 4,868,541; Sept. 19, 1989), Aceves (US 6,759,947 B2; July 6, 2004), Venkataraman (US 2008/0082326 A1; Apr. 3, 2008), and August (US 2002/0094067 A1; July 18, 2002).

The Examiner rejected claims 11 and 12 under 35 U.S.C. § 103(a) based upon the teachings of Sullivan, Aceves, Venkataraman, August, and Hashimoto (US H891; Feb. 5, 1991).

ANALYSIS

Appellant contends August is non-analogous art, August does not disclose a predetermined keyword command and voice commands spoken continuously “without a pause for a system feedback,” and August discloses the keyword command “must be uncommon for ordinary conversations,” not merely extraneous and different as claimed (*see* App. Br. 8–10). We do not agree.

We agree with and adopt the Examiner’s findings as our own (Ans. 4–6). Initially, we note Appellant only argues the Examiner erred in the findings regarding August and not the other cited references. Additionally we agree with the Examiner Sullivan discloses a voice command system used in a vehicle, Aceves discloses using a voice command for a vehicle turn signal (col. 5, ll. 50–60), and Venkataraman discloses using voice commands for a vehicle including using a keyword so the system can recognize a voice command (¶¶ 10, 13–15).

The Examiner relies on August only for teaching an uncommon word, generally not used in conversation, can be used to invoke a voice command to prevent accidental triggering of the voice command (Ans. 4–5; August ¶59). As the Examiner finds, “August clearly teaches the keyword may be ‘Computer’ or some uncommon word that will not generally be used in a conversation (Paragraph [0059]). It is clear for one of the ordinary skill in the art that the word ‘computer’ is different from the actual command and it is external or irrelevant to the actual command words” (Ans. 6). We also agree the claims do not require the keyword “to be different from the ordinary conversational language” as Appellant contends (*id.*; App. Br. 9–10).

We also agree with the Examiner August is analogous art as it is reasonably pertinent to the particular problem Appellant is concerned—accidentally triggering the voice command system (Ans. 4). Additionally, August is also analogous art as it is directed to speech recognition and control sequences for feature access (August Title, Abstract). Further, August’s paragraph 59 (directed to voice commands and triggers) is cumulative to the teachings of Venkataraman in that in light of Venkataraman disclosure, it would have been obvious to a skilled artisan that a trigger word for issuing a voice command is/should be extraneous and different from said voice command (Venkataraman ¶¶ 13–15; *see also* ¶¶24, 27; Final Act. 5–6).

As to Appellant’s contention the predetermined keyword and voice command are “spoken continuously without a pause for a system feedback,” the Examiner asserts, and we agree, Appellant argues limitations not found in the claims (Ans. 5). This limitation is also not found in Appellant’s

Specification. As to the claimed limitation a “predetermined keyword command is immediately followed by said voice command in said voice signal,” the Examiner relies on Venkataraman for this limitation, not August. Appellant has not addressed Venkataraman. Further, this limitation is also not found in Appellant’s Specification.

Thus, for the above reasons, we are not persuaded of Examiner error. We find the weight of the evidence supports the Examiner’s ultimate legal conclusion of obviousness, and therefore sustain the Examiner’s rejection of independent claims 1 and 9, argued together, and claims 5, 6, and 10–13 argued for their dependency therefrom (App. Br. 10).

DECISION

The Examiner’s decision rejecting claims 1, 5, 6, and 9–13 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED